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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,608

Applicant(s)

AGRAWAL ET AL.

Examiner

BACKHEAN TIV

Art Unit

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE 12/22/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date 1/22/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Claims 1-40 are pending in this application. This is a response to the
RCE/Remarks/Amendments filed on 12/22/09.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/22/10 has been
considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,6-8,12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable
over US Publication 2002/0026500 issued to Kanefsky et al.(Kanefsky) in view of
CNN.com webpage from 1/29/03(CNN) in view of US Patent 6,259,471 issued to Peters
et al.(Peters) in view of US Publication 2002/0177454 issued to Karri et al.(Karri) in view
of JP 2001/057599 issued to Hayafune, Takeshi(Hayafune).

As per claim 1, Kanefsky teaches in a telecommunications system having at
least one network gateway coupled among multiple mobile devices and a network, and
wherein a content sharing system and a content provider are also coupled to the
network, a method of sharing content between a user and a recipient, both of whom

have a mobile device having access to the network(para.0026,0027), the method comprising:

information identifying the content sharing system, and information identifying content provided by the content provider, wherein the user selected the identified content as content that the user wishes to share with the recipient(para.0032);

providing a user input form for display to the user, wherein the user input form includes a request for the user to identify the recipient(para.0058); receiving user input information comprising a recipient telephone number submitted by the user via the user input form(para.0058); generating a content share message for transmittal to the mobile device of the recipient, wherein the content share message includes an indication of the identified content that the user wishes to share with the recipient, wherein, if the recipient is the subscriber to the service associated with the content sharing system, generating the content share message in a first protocol(para.0035-0038).

Kanefsky however does not explicitly teach receiving a request message, wherein the request message is generated, at least in part, by the content provider; determining whether the recipient is a subscriber to a service associated with the content sharing system based on the recipient telephone number; and if the recipient is not the subscriber to the service associated with the content sharing system, generating the content share message in a second protocol; determining that a recipient device is capable of rendering the content.

CNN teaches receiving a request message, wherein the request message is generated, at least in part, by the content provider(Figs.1-3).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kanefsky to include receiving a request message, wherein the request message is generated, at least in part, by the content provider as taught by CNN in order to send an interesting article to another user.

One ordinary skill in the art would have been motivated to combine the teachings of Kanefsky and CNN in order to send an interesting article to another user.

Kanefsky in view of CNN does not explicitly teach determining whether the recipient is a subscriber to a service associated with the content sharing system based on the recipient telephone number; and if the recipient is not the subscriber to the service associated with the content sharing system, generating the content share message in a second protocol; determining that a recipient device is capable of rendering the content.

Peters teaches authorization/access to video data based on a subscribers telephone number (col.5, lines 15-25).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kanefsky in view of CNN to include determine whether a user is a subscriber based on a telephone number as taught by Peters in order to verify users for access to multimedia.

One ordinary skill in the art would have been motivated to combine the teachings of Kanefsky, CNN, and Peters in order to verify users for access to multimedia.

Kanefsky in view of CNN in view of Peters does not explicitly teach if the recipient is not the subscriber to the service associated with the content sharing system,

generating the content share message in a second protocol; determining that a recipient device is capable of rendering the content.

Karri teaches sending a message using SMS instead of WAP. Kanefsky, para.0039, further teaches translating content into a form that can be rendered on the destination device, this inherently teaches that not all the devices have the same capabilities, e.g.support for a certain type of protocol(Also, US Publication 2004/0087326 issued to Dunko, et al., para.0034, provides support), therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kanefsky in view of CNN in view of Peters to include sending a message in a different protocol as taught by Karri in order to for different types of devices with different capabilities to render and/or receive a content from a user(Kanefsky, para.0039).

One ordinary skill in the art would have been motivated to combine the teachings of Kanefsky, CNN, Peters and Karri in order to for different types of devices to render and/or receive a content from a user(Kanefsky, para.0039).

Kanefsky in view of CNN in view of Peters in view of Karri does not explicitly teach determining that a recipient device is capable of rendering the content.

Hayafune teaches the method of checking the device capability and storing device capabilities associated with a telephone number. This method can be applied to that of Kanefsky in view of CNN in view of Peters in view of Karri of sending content, since Kanefsky, para.0039, teaches translating content into a form that can be rendered on the destination device. One ordinary skill in the art could consider, the rendering of

content as a capability of a mobile device taking into consideration the teachings of Kanefsky. Further to support the examiner's assertion of the capability of mobile device for rendering content, see Abstract, US Patent 6,456,854 issued to Chern et al., describes display capabilities of a mobile device.

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kanefsky in view of CNN in view of Peters in view of Karri to include determination of device capability as taught by Hayafune in order to transmit content from a mobile device to other devices through a network(Kanefsky, para.0002).

One ordinary skill in the art would have been motivated to combine the teachings of Kanefsky, CNN, Peters, Karri, and Hayafune in order to transmit content from a mobile device to other devices through a network(Kanefsky, para.0002).

As per claim 2, the method of claim 1 wherein the user selected the identified content from the mobile device of the user(Kanefsky, para.0036,CNN, Figs.1-3).
Motivation to combine set forth in claim 1.

As per claim 3, the method of claim 1 wherein the user selected the identified content from a device other than a mobile device(Kanefsky, para.0028, CNN, Figs.1-3).
Motivation to combine set forth in claim 1.

As per claim 6, the method of claim 1 further comprising providing access to an address book application coupled to the content sharing system, wherein the address book application facilitates the user's identification of the recipient(Kanefsky, para.0058).

As per claim 7, the method of claim 1 further comprising authenticating the user and as per claim 8, the method of claim 1 further comprising authenticating the recipient(Peters, col.5, lines 15-25). Motivation to combine set forth in claim 1.

As per claim 13, the mobile device of claim 12 further comprising means for, after sending the information associated with the completed user input form, receiving a message indicating the status of the request sent to the content sharing system(CNN, Figs.1-3, Kanefsky, para.0036). Motivation to combine set forth in claim 1.

As per claim 14, the mobile device of claim 12 further comprising means for, after sending the information associated with the completed user input form, representing the content via the output component(Kanefsky, para.0036,CNN, Figs.1-3). Motivation to combine set forth in claim 1.

As per claim 15, the mobile device of claim 12 further comprising means for presenting information from an address book application, wherein the address book application facilitates the identifying of recipients for the shared content in combination with the user input form(CNN, Figs.1-3). Motivation to combine set forth in claim 1.

As per claim 16, the mobile device of claim 12 wherein the largest dimension of the mobile device is smaller than twelve inches or does not have a full size keyboard that can accommodate both hands of a user(Kanefsky, para.Fig.10).

As per claim 19, the method of claim 17 wherein the content available for access by users of mobile devices is an executable application(Kanefsky, para.0036,CNN, Figs.1-3). Motivation to combine set forth in claim 1.

As per claims 12, 17, 18 do not teach or further define over the limitations in claims 1-3, 6-8, 13-16, 19. Therefore claims 12, 17, 18 are rejected for the same reasons set forth above.

Claims 4, 5, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication 2002/0026500 issued to Kanefsky et al. (Kanefsky) in view of CNN.com webpage from 1/29/03 (CNN) in view of US Patent 6,259,471 issued to Peters et al. (Peters) in view of US Publication 2002/0177454 issued to Karri et al. (Karri) in view of JP 2001/057599 issued to Hayafune, Takeshi (Hayafune) view of Admitted Prior Art/Office Notice.

Kanefsky in view of CNN in view of Peters in view of Karri in view of Hayafune does not explicitly teach as per 4, the method of claim 1 wherein the content sharing system is associated with a wireless carrier and wherein the wireless carrier provides mobile service for the mobile device of the recipient, and as per claim 5, the method of claim 1 wherein the content sharing system is associated with a wireless carrier and wherein the wireless carrier does not provide mobile service for the mobile device of the recipient.

Office Notice is taken. It is well known to one ordinary skill in the art at the time of the invention that there are different wireless carrier provider that provides service to users. The sender and recipient of the content can use the same wireless provider or they can be with different wireless provider. Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of

Kanefsky in view of CNN in view of Peters in view of Karri in view of Hayafune to include using either the same or different wireless service provider for users in the network in order to provide a system that does not limit users to one carrier provider.

One ordinary skill in the art at the time of the invention would have been motivated combine the teachings of CNN, Kanefsky, Peters, Karri, Hayafune and to either use the same or different wireless provider in order for users in the network in order to provide a system that does not limit users to one carrier provider.

Kanefsky in view of CNN in view of Peters in view of Karri in view of Hayafune does not explicitly teach as per as per claim 10, the method of claim 1 wherein the user input form provided for display to the user includes a listing of a predetermined number of recipients with whom the user recently shared content.

Office Notice is taken. It is well known to one ordinary skill in the art at the time of the invention to provide a list of recipients that the user have shared content with (e.g. sent list of SMS messages in a user's mobile phone). Therefore it would have been obvious to one ordinary skill in the art to modify the teachings of Kanefsky in view of CNN in view of Peters in view of Karri in view of Hayafune to include a list of recently sent messages in order for the user to keep track of who he/she has sent messages to.

One ordinary skill in the art at the time of the invention would have been motivated combine the teachings of CNN, Kanefsky, Peters, Karri, Hayafune and to have a list of recently sent messages in order to provide a system where a user can keep track of recently sent messages.

Kanefsky in view of CNN in view of Peters in view of Karri in view of Hayafune does not explicitly teach as per claim 11, the method of claim 1 wherein the received request message is in the form of an HTTP GET request

Office Notice is taken; HTTP GET request is well known in the art.

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kanefsky in view of CNN in view of Peters in view of Karri in view of Hayafune to use the HTTP GET request in order to obtain images for a webpage from the server.

One ordinary skill in the art at the time of the invention would have been motivated combine the teachings of CNN, Kanefsky, Peters, Karri, Hayafune, and to use the HTTP GET request in order to obtain images for a webpage from the server.

Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanefsky et al.(Kanefsky) in view of CNN.com webpage from 1/29/03(CNN) in view of US Patent 6,259,471 issued to Peters et al.(Peters) in view of US Publication 2002/0177454 issued to Karri et al.(Karri) in view of JP 2001/057599 issued to Hayafune, Takeshi(Hayafune) in view of US Publication 2003/0026432 issued to Woodward.

Kanefsky in view of CNN in view of Peters in view of Karri in view of Hayafune does not explicitly teach as per claim 9, the method of claim 1 further comprising determining whether the user has exceeded a predetermined threshold for sharing content.

Woodward teaches determining whether the user has exceeded a predetermined threshold for sharing content(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kanefsky in view of CNN in view of Peters in view of Karri in view of Hayafune to include determining whether the user has exceeded a predetermined threshold for sharing content as taught by Woodward in order for piracy protection of content.

One ordinary skill in the art would have been motivated to combine the teachings of Kanefsky, CNN, Peters, Karri, Hayafune, and Woodward in order for piracy protection of content.

Claims 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanefsky et al.(Kanefsky) in view of CNN.com webpage from 1/29/03(CNN) in view of US Patent 6,259,471 issued to Peters et al.(Peters) in view of US Publication 2002/0177454 issued to Karri et al.(Karri) in view of JP 2001/057599 issued to Hayafune, Takeshi(Hayafune) in view of US Publication 2004/0186883 issued to Nyman et al.(Nyman).

Kanefsky in view of CNN in view of Peters in view of Karri in view of Hayafune does not explicitly teach as per claim 20, the method of claim 17 wherein the content available for access by users of mobile devices is an executable MIDP application.

Nyman teaches as per claim 20, the method of claim 17 wherein the content available for access by users of mobile devices is an executable MIDP application(para.0047).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kanefsky in view of CNN in view of Peters in view of Karri in view of Hayafune to include wherein the content available for access by users of mobile devices is an executable MIDP application as taught by Nyman in order to view different webpages.

One ordinary skill in the art would have been motivated to combine the teachings of Kanefsky, CNN, Peters, Karri, Hayafune, and Nyman in order to provide a system to users to view webpages that have different markup languages.

Claim 21,22,24, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication 2004/0087326 issued to Dunko et al.(Dunko) in view of US Patent 6,047,327 issued to Tso et al.(Tso) in view of US Patent 6,259,471 issued to Peters et al.(Peters) in view of US Patent 6,456,854 issued to Chern et al(Chern).

As per claim 21, Dunko teaches wireless service provider system for facilitating the sharing of content among mobile devices via one or more networks(Figs.1-16), the system comprising: wherein the content sharing application receives and processes requests to share content among the mobile devices, and wherein the requests are received from customers of the wireless service provider system(Figs.1-16, para.0004,0042,0044); and multiple network gateways for facilitating the

communication between the content sharing application and the mobile devices, wherein at least one of the multiple gateways is configured for facilitating communication between the content sharing application and the mobile devices via a mobile device telecommunication network, and wherein at least one of the multiple gateways is configured for facilitating communication between the content sharing application and computing devices connected via a public communication network, telephone number associated with mobile devices (Figs.1-16, para.0004,0042,0044).

Dunko however does not explicitly teach a server computer; a database coupled to the server computer; a content sharing application running on the server computer and having access to the database; and wherein the at least one of the multiple gateways is configured to determining whether each of the mobile devices is one of a subscriber to a service associated with the content sharing application based on the recipient telephone number; wherein at least one of the multiple gateway is configured for determining that each of the mobile devices is capable of rendering the content.

Tso teaches a server computer; a database coupled to the server computer; a content sharing application running on the server computer and having access to the database(Fig.1col.14, lines 25-35).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Dunko to include a server computer; a database coupled to the server computer; a content sharing application running on the server computer and having access to the database as taught by Tso in order to distribute information among different users.

One ordinary skill in the art would have been motivated to combine the teachings of Dunko and Tso in order to distribute information among different users.

Dunko in view of Tso does not explicitly teach determining whether each of the mobile devices is one of a subscriber to a service associated with the content sharing application based on the recipient telephone number; wherein at least one of the multiple gateway is configured for determining that each of the mobile devices is capable of rendering the content.

Peters teaches authorization/access to video data based on a subscribers telephone number (col.5, lines 15-25).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Dunko in view of Tso to include determine whether a user is a subscriber based on a telephone number as taught by Peters in order to verify users for access to multimedia.

One ordinary skill in the art would have been motivated to combine the teachings of Tso, Dunko, and Peters in order to verify users for access to multimedia.

Dunko in view of Tso in view of Peters does not explicitly teach wherein at least one of the multiple gateway is configured for determining that each of the mobile devices is capable of rendering the content.

Chern teaches display capabilities of mobile device(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Dunko in view of Tso in view of Peters to

include determine display capabilities of mobile device as taught by Chern in order to send information in a particular format.

One ordinary skill in the art would have been motivated to combine the teachings of Dunko, Tso, Peters and Chern in order to send information in a particular format.

As per claim 22, the system of claim 21 wherein the multiple network gateways include a mobile access gateway(Dunko, Figs.1-16).

As per claim 24, the system of claim 21 wherein the multiple network gateways include a short message peer-to-peer gateway(Tso, col.14, lines 25-35).

Claims 23,25-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication 2004/0087326 issued to Dunko et al.(Dunko) in view of US Patent 6,047,327 issued to Tso et al.(Tso) in view of US Patent 6,259,471 issued to Peters et al.(Peters) US Patent 6,456,854 issued to Chern et al.(Chern) in view of Admitted Prior Art/Office Notice.

Dunko in view of Tso in view of Peters in view of Chern does not explicitly teach as per claim 23, the system of claim 21 wherein the multiple network gateways include a push proxy gateway; as per claim 25, the system of claim 21 wherein the multiple network gateways include a wireless service broker.

Office Notice is taken. It well known in the art that push proxy and wireless service broker are common gateways in a wireless network.

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Dunko in view of Tso in view of Peters in view of

Chern to include different types of wireless gateways in order to send information from one mobile device to another.

One ordinary skill in the art would have been motivated to combine the teachings of Dunko, Tso, Peters, Chern, and the user of different types of wireless gateways in a wireless network in order to provide a system to send information over a wireless network.

Dunko in view of Tso in view of Peters in view of Chern does not explicitly teach as per claims 26, the system of claim 21 further comprising a cross-carrier application accessible by the content sharing application, wherein the cross-carrier application facilitates the sharing of content with recipients not registered with the content sharing application.

Office Notice is taken. It well known in the art to one ordinary skill in the art at the time of the invention that users of different wireless carrier can share content with one another.

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Dunko in view of Tso in view of Peters in view of Chern to include sharing information among users with different wireless provider in order to provide a system where one is not limited to one wireless provider.

One ordinary skill in the art would have been motivated to combine the teachings of Dunko, Tso, Chern Peters and sharing information among users with different wireless provider in order to provide a system where one is not limited to one wireless provider.

Dunko in view of Tso in view of Peters in view of Chern does not explicitly teach as per claim 27, the system of claim 21 further comprising an address book application accessible by the content sharing application.

Office Notice is taken. It well known in the art to one ordinary skill in the art at the time of the invention that an application can access an address book for sharing.

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Dunko in view of Tso in view of Peters in view of Chern to include an application accessing an address book for sharing of content in order to provide a system where a user can send information to other users without having to remember their address.

One ordinary skill in the art would have been motivated to combine the teachings of Dunko, Tso, Churn, Peters, and an application accessing an address book for sharing of content in order to provide a system where a user can send information to other users without having to remember their address.

Claims 28,29,33,34,36,37 are rejected under 35 U.S.C. 103(a) as being unpatentable over CNN.com webpage from 1/29/03(CNN) in view of US Publication 2004/0087326 issued to Dunko et al.(Dunko) in further view of US Patent 6,259,471 issued to Peters et al.(Peters) in view of US Patent 6,456,854 issued to Chern et al(Chern).

As per claim 28, 37, CNN teaches the data structure comprising: an indication of content to be shared, wherein the indication of the content to be shared is provided as a

parameter associated with a display description provided by a content provider, user-selectable option; and a link associated with a server hosting the content sharing application, wherein the content sharing application receives information associated with the data structure as a result of a user selecting the user-selectable option on the provided display description(Figs.1-3).

CNN does not explicitly teaches computer-readable medium containing a data structure for facilitating sharing of content among users of mobile devices, and wherein the indication of the content to be shared is provided in a framework defined in a content sharing application of a mobile service provider; and wherein the content sharing application determines that the recipient device is one of a subscriber to a service associated with the content sharing system and a subscriber to a second mobile service provider; where in the content sharing application determines that the recipient device is capable of rendering the content.

Dunko teaches computer-readable medium containing a data structure for facilitating sharing of content among users of mobile devices(Figs.1-16), and wherein the indication of the content to be shared is provided in a framework defined in a content sharing application of a mobile service provider, recipient telephone number(para.0004,0042,0044).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of CNN to include sending content to users in a mobile environment as taught by Dunko in order to send content to mobile users(Dunko, Abstract).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Dunko and CNN in order to provide a system to send content to mobile users(Dunko, Abstract).

CNN in view of Dunko does not explicitly teach wherein the content sharing application determines whether the recipient device is one of a subscriber to a service associated with the content sharing system based on the recipient telephone number; where in the content sharing application determines that the recipient device is capable of rendering the content.

Peters teaches authorization/access to video data based on a subscribers telephone number (col.5, lines 15-25).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of CNN in view of Dunko to include determine whether a user is a subscriber based on a telephone number as taught by Peters in order to verify users for access to multimedia.

One ordinary skill in the art would have been motivated to combine the teachings of CNN, Dunko, and Peters in order to verify users for access to multimedia.

CNN in view of Dunko in view of Peters does not explicitly teach where in the content sharing application determines that the recipient device is capable of rendering the content.

Chern teaches display capabilities of mobile device(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of CNN in view of Dunko in view of Peters to

include determine display capabilities of mobile device as taught by Chern in order to send information in a particular format.

One ordinary skill in the art would have been motivated to combine the teachings of CNN, Dunko, Peters and Chern in order to send information in a particular format.

As per claim 29, the computer-readable medium of claim 28 wherein the display description is implemented, at least in part, in HTML(CNN, Figs.1-3)

As per claim 33, the computer-readable medium of claim 28 further comprising an indication of uniform resource locator associated with the content to be shared(CNN, Figs.1-3).

As per claim 34, the computer-readable medium of claim 28 further comprising an indication of a specific uniform resource locator identifying an address for specific content to be shared(CNN, Figs.1-3).

As per claim 36, the computer-readable medium of claim 28 further comprising an indication of a return uniform resource locator identifying the address of the display description to which the user will be returned after performing a process associated with identifying recipients with whom to share content(CNN, Figs.1-3).

Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over CNN.com webpage from 1/29/03(CNN) in view of US Publication 2004/0087326 issued to Dunko et al.(Dunko) in view of US Patent 6,259,471 issued to Peters et al.(Peters) in view of US Patent 6,456,854 issued to Chern et al.(Chern). in view of US Publication 2004/0186883 issued to Nyman et al.(Nyman).

CNN in view of Dunko in view of Peters in view of Chern does not explicitly teach as per claims 30-32, the computer-readable medium of claim 28 wherein the display description is implemented, at least in part, in XML, XHTML, WML.

Nyman teaches as per claims 30-32, the computer-readable medium of claim 28 wherein the display description is implemented, at least in part, in XML, XHTML, WML(para.0040).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of CNN in view of Dunko in view of Peters in view of Chern to include wherein the content available for access by users of mobile devices is an executable MIDP application and wherein the display description is implemented, at least in part, in XML, XHTML, WML as taught by Nyman in order to view different webpages.

One ordinary skill in the art would have been motivated to combine the teachings of CNN, Dunko, Chern, Peters, Nyman in order to provide a system to users to view webpages that have different markup languages.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over CNN.com webpage from 1/29/03(CNN) in view of US Publication 2004/0087326 issued to Dunko et al.(Dunko) in view of US Patent 6,259,471 issued to Peters et al.(Peters) in view of US Patent 6,456,854 issued to Chern et al(Chern) in view of Admitted Prior Art/Office Notice.

CNN in view of Dunko in view of Peters in view of Chern does not explicitly teach

as per claim 35, the computer-readable medium of claim 28 further comprising an indication of whether the content provider consents to providing access to the shared content to a cross-carrier user.

Office Notice is taken. It is well known to one ordinary skill in the art at the time of the invention that there are different wireless carrier provider that provides service to users. The sender and recipient of the content can use the same wireless provider or they can be with different wireless provider. Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of CNN in view of Dunko in view of Peters in view of Chern s to include using either the same or different wireless service provider for users in the network in order to provide a system that does not limit users to one carrier provider.

One ordinary skill in the art at the time of the invention would have been motivated combine the teachings of CNN, Dunko, Peters, Chern and to either use the same or different wireless provider in order for users in the network in order to provide a system that does not limit users to one carrier provider.

Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over CNN.com webpage from 1/29/03(CNN) in view of US Publication 2004/0087326 issued to Dunko et al.(Dunko) in further view of US Patent 6,259,471 issued to Peters et al.(Peters) in view of US Patent 6,456,854 issued to Chern et al(Chern).in view of US Publication 2004/0193691 issued to Chang.

CNN in view of Dunko in view of Peters in view of Chern does not explicitly teach as per claim 38, the method of claim 37 further comprising charging a fee to the content providers for providing the option for the customers of the wireless service provider to share information with the mobile device users.

Chang teaches charging a fee to the content providers for providing the option for the customers of the wireless service provider to share information with the mobile device users(para.0008).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of CNN in view of Dunko in view of Peters in view of Chern to include charging a fee to the content providers for providing the option for the customers of the wireless service provider to share information with the mobile device users as taught by Chang in order to charge for use of a system.

One ordinary skill in the art would have been motivated to combine the teachings of CNN, Dunko, Peters, Chern, and Chang in order to charge for use of a system.

As per claim 39, the method of claim 37 further comprising tracking attempts of the customers of the wireless service provider to share content with the mobile device users and charging a fee in association with the attempts(Chang, para.0008). Motivation to combine set forth in claim 38.

As per claim 40, the method of claim 37 further comprising providing incentives to customers of the wireless service provider to share content with the mobile device users(Chang, para.0029). Motivation to combine set forth in claim 38.

Response to Arguments

Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Note: As per claims, 4, 5, 10,11, 23, 25-27, 35. the applicant filed Remarks on 12/22/09, and did not challenge the assertion that the claimed subject matter is well known in the art. MPEP 2144.03 section C, states that if the applicant does not traverse the examiner's assertion of official notice that the common knowledge or well-known in the art statement is taken to be admitted prior art because the applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to BACKHEAN TIV whose telephone number is (571)272-5654. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2451

B. T.

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Examiner, Art Unit 2451

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/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451